

REMARKS

This Amendment cancels claims 21 and amends claim 14. The Markush grouping of cyclodextrin derivatives recited in claim 14 is disclosed at page 8, lines 7-9 of the specification. Claims 13-20 are pending.

This Amendment overcomes the 35 U.S.C. § 112, second paragraph, rejection of claim 14, which has been amended to define cyclodextrin derivative. Reconsideration and withdrawal of the indefiniteness rejection of claim 14 are earnestly requested.

The 35 U.S.C. § 103(a) rejection of claims 13-21 over U.S. U.S. Patent 6,451,849 to Ahotupa et al. in view of Loftsson et al., 85 J. Pharm. Sci. 1017 (1996), further in view of U.S. Patent No. 5,336,496 to Akimoto et al., is traversed. The claimed inclusion complex comprises a cyclodextrin and hydroxymatairesinol (HMR), a geometric isomer or stereoisomer thereof, or an HMR ester. The claimed inclusion complex may be used in food products and dietary supplements to improve the solubility, bioavailability and stability of HMR, as well as to mask its unpleasant taste (Specification, page 5, lines 11-16).

The cited combination of references fails to raise a prima facie case of obviousness against the claimed inclusion complex

because one of ordinary skill in the art would not combine these references as suggested by the Patent Office. In this regard, the Patent Office concedes Ahotupa et al. fails to disclose an inclusion complex of cyclodextrin and HMR (Official Action, page 5, last sentence).

Loftsson et al. also fails to disclose or suggest an inclusion complex of a cyclodextrin and HMR, a geometric isomer or stereoisomer thereof, or an HMR ester. Instead, Loftsson et al. is a general review of pharmaceutical uses of cyclodextrin complexes.

Akimoto et al. also fails to disclose or suggest an inclusion complex of cyclodextrin and HMR, a geometric isomer or stereoisomer thereof, or an HMR ester. Instead, Akimoto et al. discloses a composition for inhibiting delta5-desaturase, which is said to catalyze the conversion of dihomo- γ -linoleic acid to arachidonic acid. Certain lignans, which are structurally different¹ from HMR and HMR esters, are disclosed to be effective inhibitors.

Akimoto et al. contains a *single* sentence suggesting its active ingredient can be converted to inclusion bodies with cyclodextrin (Col. 4, lines 5-9). There is no explanation of why

¹Lignans such as sesamin, sesaminol, episesaminol and and sesamolins are considered tetrahydrofuran type lignans; in contrast, HMR is considered a dibenzylbutyrolactone type lignan.

one of ordinary skill in the art should convert its active ingredient into an inclusion body. There is no disclosure of how to effect such conversion. One of ordinary skill in the art is given no motivation or suggestion to substitute HMR, a geometric isomer or stereoisomer thereof, or an HMR ester for the structurally different lignans taught by Akimoto et al.

It is respectfully submitted the Patent Office has employed hindsight to pick and choose isolated disclosures from the cited references. One of ordinary skill in the art, without the benefit of the applicants' disclosure, would have no motivation or suggestion to combine Ahotupa et al. with Loftsson et al. and Akimoto et al. to reach the claimed inclusion complex. Reconsideration and withdrawal of the obviousness rejection of claims 13-21 over Ahotupa et al. in view of Loftsson et al. and Akimoto et al. are requested.

It is believed this application is in condition for allowance. Reconsideration and withdrawal of all rejections of claims 13-21, and issuance of a Notice of Allowance directed to claims 13-20, are earnestly requested. The Examiner is urged to telephone the undersigned should she believe any further action is required for allowance.

U.S. Appln. S.N. 10/521,761
AMENDMENT

PATENT

The extension fee is being paid electronically today. It is not believed any additional fee is required for entry and consideration of this Amendment. Nevertheless, the Commissioner is authorized to charge Deposit Account No. 50-1258 in the amount of any such required fee.

Respectfully submitted,

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Enclosure:
Petition for Extension of Time